

RESOLUTION NO. 3-2009

A RESOLUTION OF INTENTION TO AMEND ORDINANCE 2006-4, MADISON COUNTY
SUBDIVISION REVIEW FEE SCHEDULE

WHEREAS, 76-3-602, MCA authorizes Madison County to establish reasonable fees to be paid by the subdivider to defray the expense of reviewing subdivision applications; and

WHEREAS, Madison County has charged subdivision review fees since the inception of its subdivision review program in 1974; and

WHEREAS, the Madison County Subdivision Review Fees were adopted by Ordinance 4-2006; and

WHEREAS, the Madison County subdivision review fees require periodic updating to reflect changes in state law and increasing administrative costs associated with County subdivision review; and

WHEREAS, Madison County has an adopted policy to have development pay its own way; and

WHEREAS, Madison County currently does not charge applicants for reviewing overall development plans submitted without a preliminary plat application, which represents a significant commitment in staff time, materials, notices and certified mailings; and

WHEREAS, Montana statute requires that notices for public hearings related to overall development plans and subdivisions be sent by certified mail and the number of notices sent may vary significantly by development type; and

WHEREAS, the meaning of "lot" to equate one condominium unit or one RV or mobile home space or one townhouse is not explicitly stated for some fees; and

WHEREAS, the proposed changes to the Madison County Subdivision Review Fee Schedule, were posted for public review and comment and a public hearing was advertised; and

WHEREAS, copies of the proposed fee schedule with highlighted changes have been made available for public review and comment at: the libraries in Ennis, Sheridan, Twin Bridges and Virginia City; the offices of the Big Sky Homeowners Association; post offices throughout the County; the Madison County Planning Office; and posted on the Madison County website, www.madison.mt.gov; and

WHEREAS, there were no comments received either before or during the January 26, 2009, hearing before the Planning Board; and

WHEREAS, the Planning Board recommends that the Madison County Subdivision Review Fees be amended as proposed; and

WHEREAS, the Madison County Board of Commissioners has reviewed the Planning Board's recommended proposal;

NOW, THEREFORE BE IT RESOLVED, that the Board of County Commissioners hereby:

- (a) Adopts this Resolution of Intention to Amend Ordinance 2006-4, Madison County Subdivision Review Fee Schedule; and
- (b) Schedules a public review and comment period, to culminate in a public hearing at 10:15 a.m., March 3, 2009 in the Commissioners' Conference Room of the Madison County Courthouse, 100 W. Wallace, Virginia City, Montana.
- (c) Directs that written comments on the proposed amendment be directed to: Madison County Board of Commissioners, P.O. Box 278, Virginia City, Montana. Written comments must be received by close of the March 3, 2009 public hearing.

PASSED AND ADOPTED by the Board of Madison County Commissioners this _____ day of _____, 2009.

ATTEST:

APPROVED:

Peggy Kaatz-Stemler
Clerk and Recorder

David Schulz, Chairman

Marilyn Ross

James P. Hart

Board of Commissioners
Madison County